

HOUSE No. 484

By Mr. Bosley of North Adams, petition of Daniel E. Bosley and others relative to survivor benefits for widows and children of volunteer fire fighters killed in the line of duty. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Daniel E. Bosley	David Paul Linsky
Paul K. Frost	Harriett L. Stanley
William Smitty Pignatelli	Brian P. Wallace
Geoffrey D. Hall	John J. Binienda
John W. Scibak	Christine E. Canavan
Joyce A. Spiliotis	Patricia A. Walrath
William C. Galvin	Harold P. Naughton, Jr.
Christopher J. Donelan	Shirley Gomes
Brian Knuuttila	Michael F. Kane
James B. Leary	Cory Atkins
James B. Eldridge	Barry R. Finegold
David B. Sullivan	Kevin G. Honan
Robert J. Nyman	Charles A. Murphy
Rachel Kaprielian	Gale D. Candaras
Jennifer L. Flanagan	Anne M. Gobi
William M. Strauss	Emile J. Goguen
Patricia A. Haddad	Thomas P. Kennedy
Barbara A. L'Italien	Kathleen M. Teahan
Todd M. Smola	Garrett J. Bradley

In the Year Two Thousand and Five.

AN ACT TO PROVIDE SURVIVOR BENEFITS FOR THE SPOUSE AND CHILDREN
OF VOLUNTEER FIREFIGHTERS KILLED IN THE LINE OF DUTY.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32 of the General Laws, appearing in the
2 1998 Official Edition, is hereby amended by adding the following
3 new section:

4 Section 89E. If a call, volunteer, auxiliary, intermittent or
5 reserve firefighter, or a call or volunteer emergency medical ser-
6 vices provider, or an auxiliary, intermittent or reserve police
7 officer in any city town or district who while in the performance
8 of his or her duties is killed or sustains injuries which are the
9 proximate cause of his or her death, there shall be paid an acci-
10 dental death benefit to the surviving spouse, if any, to consist of a
11 yearly amount of annuity equal to two-thirds of the annual rate if
12 regular compensation payable to a regular or permanent member
13 of the fire department, ambulance department or police depart-
14 ment, as the case may be, for the first year of service therein; and
15 if the fire department or ambulance department or the police
16 department does not have any regular or permanent members then
17 the accidental death benefit to the surviving spouse shall consist
18 of a yearly amount of the annuity equal to two thirds of the
19 annual average compensation payable to a regular or permanent
20 firefighter, emergency medical services provider or police officer,
21 as the case may be, in the local area; such average to be deter-
22 mined by a survey of three surrounding cities, towns or districts, a
23 determined by the public employee retirement administration
24 commission.

25 Any benefit paid hereunder to a surviving spouse shall be
26 increased by \$1750 annually for each minor child of the deceased
27 firefighter, emergency medical service provider or police officer
28 until such child reaches the age of majority. Any benefit paid
29 hereunder to a surviving spouse shall be increased by \$1750 annu-
30 ally for each child of the deceased firefighter who has reached the
31 age of majority and is physically or mentally incapacitated from
32 earning and is a dependant of the surviving spouse.

33 If there is no surviving spouse or if the surviving spouse later
34 dies, such benefits as would have been payable hereunder to the
35 surviving spouse will be payable to the surviving minor children
36 until they reach the age of majority and to any adult children of
37 the deceased firefighter, emergency medical services or police
38 officer who are physically or mentally incapacitated from earning.

39 The benefits provided under this section shall be in the alterna-
40 tive for the benefits, if any, provided by any other provision of
41 chapter 32, except for the benefits payable pursuant to section
42 100A, and the surviving spouse or her legal representative or the
43 legal representative of any minor or disabled children shall elect
44 which benefits shall be granted. Such election shall be made in
45 writing and shall not be subject to change or revocations after the
46 first payment of any benefit under this section.

47 This section shall apply to all deaths occurring on or after
48 November 1, 2003.

1 SECTION 2. Section 85H of Chapter 32 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 adding the words “the selectmen of every town” the words “and
4 the prudential committee or other executive authority, as the case
5 may be, or every district”; and further amended by adding the
6 words “fire company in a town” the words “or district”; and fur-
7 ther amended by striking out the words “city or town” wherever
8 they appear and inserting in place thereof the words “city, town or
9 district”; and further amended by adding after the words “favor of
10 such town” the words “or district.”

1 SECTION 3. Chapter 32 of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by adding the fol-
3 lowing new section 85H $\frac{3}{4}$:

4 Section 85H $\frac{3}{4}$: Notwithstanding the provisions of section
5 85H, section 85H, section 85H $\frac{1}{2}$ or any other general or special
6 law, call or volunteer emergency medical service providers in the
7 service of a city, town or district shall be eligible for a disability
8 retirement in the same manner as provided for in Section 85H or
9 Section 85H $\frac{1}{2}$ as for call or volunteer firefighters.

1 SECTION 4. Section 85H $\frac{1}{2}$ of Chapter 32 of the General
2 Laws, as appearing in the 1998 Official Edition, is hereby
3 amended in the second and third lines by striking out the words
4 “which accepts the provisions of this section and.”

1 SECTION 5. Section 100G $\frac{3}{4}$ of chapter 41 of the General
2 Laws, as appearing in the 1998 Official Edition, is hereby

3 amended by adding in the first sentence after the words “and any
4 town” the words “or district”; and further amended by adding in
5 the last sentence after each word “city” and the word “district.”

1 SECTION 6. Chapter 41 of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by adding the fol-
3 lowing new section 100G ³/₄ :

4 Section 100G ³/₄ L Notwithstanding the provisions of section
5 100G and section 100G ¹/₄ or any other general or special law, call
6 or volunteer emergency medical service providers in the service of
7 a city, town or district shall be eligible for burial expenses in the
8 same manner as provided for in section 100G or section 100G ¹/₄
9 as for call or volunteer firefighters.

1 SECTION 7. Section 57B of Chapter 32 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out the words “city or town” wherever they appear and
4 inserting in place thereof the words “city, town or district”; and
5 further amended by striking out the words “in a town by a
6 majority vote at the annual town meeting” and inserting in place
7 thereof the words :in a town or district by a majority vote at the
8 annual town or district meeting.”